



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,079	07/12/2001	Jerry F. Coday	53625	1857

27148 7590 10/10/2003

POL SINELLI SHALTON & WELTE, P.C.

700 W. 47TH STREET
SUITE 1000
KANSAS CITY, MO 64112-1802

EXAMINER

SINGH, SUNIL

ART UNIT	PAPER NUMBER
	3673

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/904,079	CODAY ET AL.
Period for Reply	Examiner	Art Unit
	Sunil Singh	3673
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
<p>1)<input type="checkbox"/> Responsive to communication(s) filed on _____.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
Disposition of Claims		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-21, 28 and 29</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input checked="" type="checkbox"/> Claim(s) <u>1-4 and 28</u> is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>5-21 and 29</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
Application Papers		
<p>9)<input checked="" type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input checked="" type="checkbox"/> The proposed drawing correction filed on <u>03 July 2003</u> is: a)<input checked="" type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
Priority under 35 U.S.C. §§ 119 and 120		
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
Attachment(s)		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>		

DETAILED ACTION

Sp cification

1. The disclosure is objected to because of the following informalities: because reference character "32" has been used to designate both screw collar and drophead (See page 17).^{*} Appropriate correction is required.

Claim Objections

2. Claim 8 is objected to because of the following informalities: claim 8 line 4, "said aligned holes of said projections" is recited and antecedent basis for such language is provided in claim 6; therefore, it appears that claim 8 should be dependent from claim 6. Appropriate correction is required. **The examiner is treating claim 8 as if it were dependent from claim 6.**

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5,17,20, 21 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnston (US 4841708).

Johnston discloses a post shore and decking system comprising a post shore that includes a non-symmetrical main leg (see Figs. 10,12), a drop head (see Fig. 1, (35) and Figs. 20,21), a ledger member having opposed ledger catches (this is considered as the lower channel members of member (37) depicted in Figure 1).

The ledger member having more than one channel (this is considered as the upper channel members of member (37) depicted in Figure 1). A removable screw collar (see Fig. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-12, 16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston '708 in view of Johnston '708.

See attached marked up Figures 10 and 12, (shown in blue, what the "channel" is considered as with regards to claims 6-8,11,16,18,19).

Johnston discloses the invention substantially as claimed (see Figs. 1,10,12). However, Johnston (see Figs. 1,10,12) lacks a plurality of aligned holes passing through the flat projections. Johnston teaches a plurality of aligned holes passing through the flat projections (see Figs. 2,3,7). It would have been considered obvious to one skilled in the art modify Johnston (Figs. 1,10,12) to include a plurality of aligned holes passing through the flat projections as taught by Johnston (see Figs. 2,3,7) since such an arrangement allows for easy connection of brace members.

With regards to claim 7, Johnston (once modified) discloses the invention substantially as claimed. However, the (once modified) Johnston lacks a plurality

of holes passing through the front wall of the channel. Johnston teaches a plurality of holes passing through the front wall of the channel (see Fig. 6). It would have been considered obvious to one skilled in the art to further modify the (once modified) Johnston to include a plurality of holes passing through the front wall of the channel as taught by Johnston (see Fig. 6) since such an arrangement allows for easy connection of brace members.

With regards to claim 8, the extension leg member with holes is depicted in Figure 1 as member (33).

With regards to claim 11, the channel includes means for holding a nut on the inside wall of the channel (see Fig. 10,12).

With regards to claim 16, frame members are attached to the channel member (see Figs. 10,12).

With regards to claim 18, a screw connects the frame member with the channel (see Figs. 10,12).

With regards to claim 19 (see Fig. 6).

See attached marked up Figures 10 and 12, (shown in red, what the “channel” is considered as with regards to claims 9,10,12).

With regards to claim 9, Johnston (see Figs. 1,10,12) discloses the invention substantially as claimed. However, Johnston (see Figs. 1,10,12) lacks an outside leg slideably received by a main leg. Johnston teaches an outside leg slideably received by a main leg (see Fig. 8). It would have been considered obvious to one skilled in the art to modify Johnston (see Figs. 1,10,12) to include

an outside leg slideably received by the main leg as taught by Johnston (see Fig. 8) since such an arrangement allows for easy connection of brace members.

With regards to claim 10, the outside leg has a plurality of holes passing there through (see Fig. 8)

With regards to claim 12, the outside leg includes means for receiving and holding a nut (see Fig. 8).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston '708 in view of Ratcliff et al. (US 3917214).

Johnston (see Figs. 1,10,12) discloses the invention substantially as claimed. However, Johnston (see Figs. 1,10,12) lacks a joist member with opposed ends having a ledger catch. Ratcliff et al. teaches a joist member with opposed ends having a ledger catch (see Fig. 6). It would have been considered obvious to one skilled in the art to modify Johnston '708 by substituting the joist as taught by Ratcliff et al. for the joist disclosed by Johnston (see Fig. 1) since it is an obvious design choice to substitute one type of connecting means for a ledger to joist connection means for another type of connecting means for a ledger to joist connection means.

8. Claims 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston '708 in view of brochure "TITAN Formwork Systems".

Johnston (see Figs. 1,10,12) discloses the invention substantially as claimed. However, Johnston (see Figs. 1,10,12) lacks a ledger having opposed ledger catches and top and bottom with parallel channels and a joist member. "TITAN Formwork

Systems" teaches a ledger having opposed ledger catches and top and bottom with parallel channels and a joist member (see all six pages of the brochure). It would have been considered obvious to one skilled in the art to modify Johnston (see Figs. 1,10,12) by substituting the beams/ledgers and the beams/joist as taught by the Titan brochure for the beams/ledgers and the beams/joist members disclosed by Johnston (see Figs. 1,10,12) since such a modification is an obvious design choice (obvious to substitute equivalent parts for performing equivalent function).

9. Claims 5, 14, 15, 17, 20-21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over brochure Etobicoke Iron Works Limited Corporate Profile in view of Etobicoke Iron Works Limited Corporate Profile.

Etobicoke Iron Works Limited Corporate Profile discloses a non-symmetrical leg (see page with heading "Components of 20K Frame system). However, Etobicoke Iron Works Limited Corporate Profile is silent about the non-symmetrical leg being used with a ledger having opposed ledger catches and top and bottom with parallel channels. Etobicoke Iron Works Limited Corporate Profile teaches a ledger having opposed ledger catches and top and bottom with parallel channels (see under heading "Beam Stripped Position", "Dismantling the QS Drophead"). It would have been considered obvious to one skilled in the art to modify Etobicoke Iron Works Limited Corporate Profile (the non-symmetrical leg) to include a ledger having opposed ledger catches and top and bottom with parallel channels as taught by the Etobicoke Iron Works Limited Corporate Profile (see under heading "Beam Stripped Position", "Dismantling the QS Drophead") since

such a modification allows for forming scaffolding used when pouring concrete and the like.

10. Claims 5, 13,14,15 ,17, 20-21 and 29 are rejected under 35 U.S.C. 103(a) as

being unpatentable over brochure Doka Floor System in view of brochure "TITAN Formwork Systems".

Doka Floor System discloses a non-symmetrical leg (see under heading "Innovative technology and few ... your site"). However, Doka Floor System lacks a ledger having opposed ledger catches and top and bottom with parallel channels and a joist member. "TITAN Formwork Systems" teaches a ledger having opposed ledger catches and top and bottom with parallel channels and joist member (see all six pages of the brochure). It would have been considered obvious to one skilled in the art to modify Doka Floor System to include a ledger having opposed ledger catches and top and bottom with parallel channels and joist member as taught by the Titan since such a modification allows for forming scaffolding used when pouring concrete and the like.

Allowable Subject Matter

11. Claims 1-4, 28 are allowed.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Sunil Singh


Sunil Singh
Patent Examiner
Art Unit 3673

SS 
October 6, 2003